

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, MAY 20, 2004, 1:00 P.M.**

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**CALL TO ORDER**

Betty Willert, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:     Betty Willert, Chairperson     Mareth Kipp  
                                 Ellen Gennrich                             Walter Kolb

Commission

Members Absent:     Walter Baade                     Vy Janusonis

Staff

Members Present:     Richard L. Mace, Planning and Zoning Manager  
                                 Kathy Moore, Senior Planner  
                                 Sandy Scherer, Senior Planner  
                                 Peggy Pelikan, Land Use Specialist  
                                 Mary Finet, Senior Land Use Specialist  
                                 Kathy Brady, Support Staff Supervisor

Guests Present:     Debbie Krusick                     Tim O'Brien                     Kathy Lestina  
                                 Jerry Nettesheim                     Pat Haukohl                     Craig Denze  
                                 David and Rose Hoisington     Bill Wondrachek                 Vince Sieger  
                                 Rebecca Roeker                     Mark Marzion                     Robert Sell

**MINUTES**

- *Mr. Kolb moved, seconded by Mrs. Kipp and carried unanimously, for approval of the March 18, 2004, Minutes.*
- *Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval of the April 8, 2004, Minutes.*
- *Mrs. Gennrich moved, seconded by Mrs. Kipp and carried unanimously, for approval of the April 22, 2004, Minutes.*

**PUBLIC COMMENT**

Chairperson Willert asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

- **CZ-1503A (Robert Sell) Town of Oconomowoc, Section 8 (A-5 Mini Farm and R-1 Residential Districts to the R-2 Residential and A-2 Rural Home Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located southeast of Blue River Pass in the Town of Oconomowoc. The petitioner, Mr. Sell is requesting to rezone the property to create four, single-family lots. He presented an approved Grading Plan for the Conditional Use and Erosion Control Permit for the property to the Commission. He pointed out, the berm is being created to give the property aesthetic appeal, create a "watershed" and a privacy shelter. Mrs. Kipp asked if the lots would be accessed off of Blue River Pass (cul-de-sac)? Mr. Sell replied "Yes", three lots would. Mrs. Gennrich inquired about the large building on the property? Mr. Sell responded, the largest building (a 35' x 65' storage shed)

was removed to make room for the retention pond. He noted there is an agreement between the homeowners of the nearby subdivision to remove the building to make it more aesthetically pleasing. Mrs. Gennrich asked, how large are the lots in the nearby Blue River Reserve Subdivision? Mr. Sell replied 3+ acres each. Chairperson Willert asked how much excavating has been completed at this point? Mr. Sell responded, some soils were stripped for the berm because when the retention ponds were dug, the sub soils will be stock piled for the berm. Once this is completed, the area would be planted and seeded. He added, a Conditional Use Permit has been applied for. Mrs. Kipp asked if the petitioner owns the conservancy lands? Mr. Sell replied, "Yes". There was discussion regarding the choice of categories the property was to be rezoned. Mr. Mace explained that it has to do with density. The petitioner would not have been able to create three parcels (one acre each) and still meet the 150' width requirement. Each of the lots would be one acre, 120' wide. Chairperson Willert asked if a condition should be added stating there could be no further divisions of the property? Mr. Mace replied, "No", the zoning would not allow it.

*After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

#### **SCHEDULED MATTER**

• **1:15 (Marzion Development/Norma Knoll Property) Town of Mukwonago, Section 13**

Mr. Mace presented the "Staff Memorandum" dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval to create a "lot not abutting a public road".

Mrs. Gennrich said in November 2000, Mrs. Knoll wished to sell the property. The Waukesha Land Trust looked into acquiring the property, however, the cost was too high. She added, there are prominent Indian mounds located on the property. Mr. Mace said there are two existing parcels and the petitioner is proposing to create two additional parcels and recreate the shape and size of the existing parcels. Lot 1 would be accessed with a driveway from the cul-de-sac of Lookout Lane and Lot 2 from Hartwig Avenue. He explained the cul-de-sac on Lookout Lane is approximately 3,900 ft., which exceeds the Town of Mukwonago's cul-de-sac length requirement. Mrs. Gennrich asked if the Town has approved the matter? Mr. Marzion, petitioner, answered that the Town has approved the preliminary concept. On the Certified Survey Map it will state the cul-de-sac on Lookout Lane would not be extended, no further divisions allowed, the temporary easements would become permanent easements and there would be an ownership strip to the cul-de-sac. He pointed out the location of the Indian mounds, the proposed home sites and the configurations of the proposed parcels and felt there was no conflict. Mrs. Gennrich asked if a condition should be added requiring that Primary Environmental Corridor (PEC) restrictions be placed on the plat? Mr. Mace replied that the Zoning Ordinance accomplishes that, however, the information would be added to the plat. Mrs. Gennrich stated she would like to add a condition stating the PEC restrictions be placed on the plat. The Commission agreed.

*After discussion, Mrs. Gennrich moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the "Staff Memorandum" with the following added condition:*

**3. The Certified Survey Map shall contain the Environmental Corridor Preservation restrictions.**

*The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **SCZ-1530 (Michael and Pamela Schutte) Town of Oconomowoc, Section 5 (A-P Agricultural Land Preservation District to the RRD-5 Rural Residential Density District 5)**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located on the northeast corner of Pennsylvania Street and C.T.H. “CW” in the Town of Oconomowoc. The petitioner is proposing to create three residential parcels along C.T.H. “CW”. There was discussion regarding the barns on the property being removed per the Town’s condition and their historic value. Mr. Wondrachek, representing the petitioner, said the barns would be removed because the Ordinance does not allow an accessory building without a principal structure on the property. Mrs. Kipp stated it would be difficult to have such a large barn and a residence on a three-acre parcel, however, she said it should be the new owners choice whether they wanted to retain the barn or not. Mr. Wondrachek said Mr. Schutte has no interest in selling the lots in the near future. The property is being divided because it can be, before the rules change again. Mrs. Kipp asked if the Ashippun River is the boundary for the three proposed lots? Mr. Mace replied, “Yes”. Mrs. Haukohl, County Board Supervisor asked, since the surrounding properties are in the Agricultural Preservation district, would it be considered spot zoning? Mr. Mace responded, “No”. The Waukesha County Development Plan calls for Rural Residential and Ag uses, which is five acres. To the north, the land is in the Ag Preservation category. Mr. Wondrachek said the remnant parcel (35 acres) is being merged with the property to the north. Ms. Moore, Senior Planner explained, the north side of the river is being changed to RRD-5 rather than Ag Preservation (other than the conservancy) because the development rights need to be transferred. A Deed Restriction would be placed on the property stating there are no development rights left. Mrs. Kipp clarified that the development rights would be taken north of the river and transferred south of the river. Ms. Moore replied, “Yes”.

*After discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **CZ-1396A (Jerome and Rose Nettesheim) Town of Oconomowoc, Section 12 (A-P Agricultural Land Preservation District to the R-1 Residential District)**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located on the northeast corner of Norwegian Road and Peterson Road in the Town of Oconomowoc. The petitioner is proposing to rezone approximately 23 acres in order to transfer one acre to his son. The remaining 22 acres would be divided in the future into no more than three parcels, possibly for other family members. Mrs. Gennrich asked if all of the parcels would abut a public road? Ms. Moore answered, “Yes”. Mr. Mace noted the Town placed a condition on the rezone that there be no more than three lots which would result in a five-acre overall density. Mrs. Gennrich said the rezoning seems to be appropriate because it would not affect the A-P Agricultural Land Preservation District on the rest of the petitioner’s property.

*After discussion, Mr. Kolb moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **ZT-1534 (William and Kathy Orchard) Town of Eagle, Section 31 (RH Residential Holding District to the RH Residential Holding District with a Planned Unit Development Overlay District)**

Mr. Mace presented the "Staff Report and Recommendation" dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the parcel is located on S.T.H. 67, near the Walworth County line in the Town of Eagle. Mrs. Gennrich inquired about the RH Residential Holding District? Mr. Mace explained, it contains minimum lot sizes of five-acres and is a rural home type district. The petitioner is proposing a single-family residential development with lot sizes ranging from two to ten acres as a PUD. Mrs. Gennrich asked what the sizes of the outlots were? Mr. Mace replied, the outlots are 8.5, 7.3 and 5.5 acres in size. There are easements around the entire site for horse paths, and the barn on the southwest corner would be preserved and could possibly be used for an equine center.

*After discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **SCU-1370 (West Shore Subdivision PUD) Town of Oconomowoc, Sections 25 and 26**

Mr. Mace presented the "Staff Report and Recommendation" dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a Planned Unit Development (PUD) for an existing subdivision and future addition.

Mr. Mace indicated the petitioners are requesting an after-the-fact PUD for an already recorded Plat. The proposed PUD has 46.4% open space, which exceeds the County guidelines of 30%. Because of the amount of open space, dedication of the public park, municipal well site and stormwater retention facilities (approximately 42 acres), the lots were reduced with residences being a maximum of 3,900 sq. ft. in floor area. Some of the individual lot owners wanted larger than 3,900 sq. ft homes and with a PUD it would allow more floor area ratio (FAR) for larger residences. All of the lots are sewered and will have a municipal well, eventually. Chairperson Willert said when the original rezoning was before the Commission, she remembered that Mr. Wozniak mentioned there would not be huge residences. Mr. Wondracheck felt the residences are not overly large and the size includes covered (enclosed) porches and garages. Mrs. Kipp asked how many road accesses would there be? Mr. Mace replied, three or four. Mrs. Haukohl asked if the PUD needed to follow the County's PUD requirements for green and open space? Mr. Mace replied "Yes". Mrs. Haukohl asked where the potential school site was located? Mr. Wondracheck responded that a potential school site was investigated early on and was a requirement, however, the school district did not want it. It was an early condition on the previous rezone, prior to the Plat being completed. Mrs. Haukohl explained that she wanted to make sure that if there was an open space requirement for a PUD that it would remain green space, not a school site. Mr. Mace pointed out the open space areas on the plan. Mrs. Gennrich said that FAR is more critical to preserve space for septic systems and wells when the development is not sewered, however, this property is sewered.

*After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **SCU-1342 (Valley Rod and Gun Club) Town of Merton, Section 11**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit to grant legal non-conforming Conditional Use status, under the Waukesha County Shoreland and Floodland Protection Ordinance.

Mr. Mace indicated the gun club has been in existence since approximately 1950. The petitioner is requesting legal non-conforming Conditional Use status to be able to preserve the right to operate a gun club in accordance with the conditions set forth. They would like to change the night firing from Tuesday to Wednesday evening, authorize a 3’ x 5’, non-illuminated wooden sign next to the driveway entrance and to allow the club to be open to members and invited guests during daylight hours. Shotgun shells, pre-packaged snacks and soft drinks would be offered for sale. Mrs. Gennrich asked why the property was in the NA2 designation? Mr. Mace replied that he was unsure, but thought it was because the bulk of the property was wetland or marsh. Mrs. Gennrich asked if the volleyball courts, horseshoe pits or parking lots could be expanded under the permit? Mr. Mace replied, “No”, not unless revised plans were submitted.

*After discussion, Mr. Kolb moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-03-MRTT-01 (Valley Rod and Gun Club) Town of Merton, Section 11**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes and stated the petitioner is requesting a Plan of Operation Permit for a sportsman's club in concert with the Conditional Use.

*After a brief discussion, Mr. Kolb moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-GNT-8 (Studio 59) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a change in operator of a hair salon.

Mr. Mace indicated the property is located on S.T.H. 59 (Genesee Center) in the Town of Genesee. The new operator would continue the existing use with the addition of nails and massage.

*After discussion, Mrs. Gennrich moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-GNT-13 (DATASYST Engineering and Testing Services) Town of Genesee, Section 6**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit to amend the Plan of Operation to permit the installation of a liquid nitrogen tank on a concrete slab to be located adjacent to the south side of the

building and update the Plan of Operation to authorize the expansion of the business into the entire building.

Mr. Mace indicated the property is located on S.T.H. 18 in the Town of Genesee. Mrs. Gennrich asked what is liquid nitrogen and is it dangerous? Mr. Hoisington, owner, explained it is a very cold gas (-300° F) and when subjected to a low temperature becomes a liquid. It is not explosive but rather it is an inert gas and not dangerous. Mrs. Kipp asked what is it used for? Mr. Hoisington replied that they use it in place of refrigeration. Passed through a coil, air can be blown over the coil to make it cold for testing purposes. Mr. Mace noted the Town of Genesee Plan Commission has not yet acted on this request but may require the Fire Inspector have knowledge of where certain items are located on the site.

*After discussion, Mr. Kolb moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-GNT-16 (Fireworks City) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for the temporary outdoor retail sale of Class “C” fireworks.

Mr. Mace indicated the fireworks stand would be located on S.T.H. 59 (in front of the Genesee Center) in the Town of Genesee. Mrs. Gennrich noted the conditions for this fireworks Plan of Operation and the American Fireworks Plan of Operation are different. She would like to see them conditioned the same, specifically, relating to signage and lighting. Mr. Sieger, from American Fireworks, also thought the conditions between the two fireworks businesses should be equal. He questioned in the “Staff Report and Recommendation” for Fireworks City that the size of the tent listed was 17’ x 60’. Tent sizes normally do not come in that size. Mr. Mace said the application states the tent is 17’ x 60’. He wondered, if because the tent is required to be located 50’ from the road right-of-way, a 20’ x 40’ tent would be too close. Mrs. Gennrich asked if the Staff has standard conditions for fireworks stands? Mr. Mace replied, “Yes” but each write-up is different. Ms. Scherer, Senior Planner explained that the two fireworks stands are different and different information was submitted on each application. The Commission expressed concerns regarding the Fire Inspector approving the type of fireworks on one site but not the other. Mrs. Gennrich suggested the hours of operation should be conditioned. Ms. Pelikan, Land Use Specialist, said the hours of operation are stated in the “Staff Report and Recommendation”. Mrs. Kipp expressed concerns that there was not enough room in the parking lot for the tent and storage trailer. Mr. Mace reiterated, whatever the tent size it must be located 50’ from the road right-of-way. Chairperson Willert suggested that Condition No 6 and 8 (regarding the entire operation and signage being removed by July 6, 2004 and no additional lighting being allowed) from PO-04-GNT-18 be added as conditions for Fireworks City. The Commission agreed.

*After discussion, Mr. Kolb moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Report and Recommendation” with the following added conditions:*

- 7. The entire operation, any debris, and all temporary signage shall be removed from the site no later than the day after the close of business, which is July 6, 2004.*
- 8. No additional lighting is allowed.*

*The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-GNT-17 (Penguin Hot Tubs) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for an after-the-fact interior remodel including loft, stairway and office and the addition of an outdoor display area.

Mr. Mace indicated the operation is located on S.T.H. 59, in the “Genesee Center”, Town of Genesee. The business specializes in the display and sale of vinyl window and door systems, spas, spa related products/accessories and “sofpool” portable pools. The petitioner is also requesting an outdoor display area to display the pools. Mrs. Gennrich asked about the signage and parking? Mr. Mace replied the petitioner needs to submit scaled renderings to the Planning and Zoning Division Staff for review and approval and sufficient parking is available.

*After discussion, Mrs. Gennrich moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-GNT-15 (Gary Reichert) Town of Genesee, Section 21**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a new free-standing sign in the same location as the existing sign and deck attached to the Genesee Depot Café building.

Mr. Mace indicated the property is located on S.T.H. 83 in the Town of Genesee. Mrs. Gennrich asked what the speed limit was? Mrs. Kipp answered, 25 miles per hour. Mrs. Gennrich thought the size of the sign (107 sq. ft.) seemed too large for the use. There was discussion regarding the proposed attached deck (7' x 54.5'), specifically its close distance to the road. Mrs. Kipp said the building is close to S.T.H. 83 and the deck can only be located to the front because parking is located behind the building. After reviewing the Site Plan, the Commission decided the deck would be acceptable.

*After discussion, Mrs. Kipp moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-GNT-18 (American Fireworks) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for the temporary outdoor retail sale of fireworks and novelty items.

Mrs. Gennrich expressed concerns regarding the “Staff Report and Recommendation” stating that the North Prairie Fire Chief verbally approve the operation and will conduct an inspection once the stand is in operation. She felt it should be a written condition and the petitioner should submit the Fire Chief's approval in writing to the Staff. Ms. Scherer said the petitioner knows he must comply. Mr. Siegel, petitioner, said there would not be time to provide a written approval prior to the business opening. He

further explained the inspection would be completed once the operation is open for business. A list of items for sale would be submitted prior to the opening. Mrs. Gennrich wondered, if it is not included as a written condition how would it be enforced. Chairperson Willert felt the Fire Inspectors and police watch firework stands very closely and are checked daily. The Commission agreed.

Mr. Siegel asked if Condition No. 7 could be removed because he did not have the list of items for sale with him today. Mr. Mace explained the list could be submitted to the Planning and Zoning Division Staff anytime before the permit is issued.

*After discussion, Mr. Kolb moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-OCOT-13 (ISB Community Bank) Town of Oconomowoc, Section 35**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for two wall signs for the bank operation.

Mr. Mace indicated the property is located north of the Amoco station on Brown Street in the Town of Oconomowoc. The petitioner is requesting two, 19.3 sq. ft. internally lit signs.

*After a brief discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-GNT-19 (Country Market Signs) Town of Genesee, Section 21**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for four signs for a newly remodeled multi-tenant plaza.

Mr. Mace indicated the property is located on S.T.H. 83 in the Town of Genesee. The petitioner is proposing four blank, illuminated signs attached to the roadside of the building, which meets the sign size requirements of the Ordinance. Each tenant must obtain a Zoning Permit for their individual signage.

*After a brief discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-GNT-20 (Laue’s Grading and Landscaping) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated May 20, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a grading and landscaping business.

Mr. Mace indicated the petitioner is proposing to occupy tenant space in the “Genesee Center” for a new grading and landscaping business.



*After a brief discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **SCZ-1450 (S & R Compost, Inc.) Town of Genesee, Sections 23 and 26**

Mr. Mace presented “Correspondence submitted by Murn and Martin, S.C.” dated May 11, 2004, which is a part of these minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a time extension to December 1, 2004, regarding Condition No. 12 of the June 19, 2003, “Staff Report and Recommendation”.

Mrs. Gennrich asked if the petitioner built the existing buildings within the 75’ buffer? Mr. Mace noted the buildings have been there for a long time and at least one has been removed. Attorney Roeker, from Murn and Martin, S.C. said during the negotiation process of the Deed Restriction, it was discovered that small portion of the 75’ buffer zone actually went through existing buildings. Mr. Mace said it was most likely a mapping error. Attorney Roeker added that Ms. Moore sent the request back to the town for clarification of the Town’s condition that the existing buildings did not have to be removed. The County’s position and intent was that the buildings did not have to be removed. At the Town Board meeting of May 10, 2004, it was decided the matter go back to the Town Plan Commission. The reason for the extension request is because the next Town Plan Commission meeting would be June 14, 2004, and would not meet the condition deadline of June 1, 2004. The Plan of Operation has been submitted and approved and the Erosion Control Permit has been submitted and is moving forward. Mrs. Kipp asked why Attorney Macy wants the petitioner to go through the entire rezoning process again? Attorney Roeker replied it was her understanding that the Town does not agree with their position and they feel it is not a substantial change in their Ordinance but rather an interpretation/clarification.

*After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Correspondence submitted by Murn and Martin, S.C.” dated May, 11, 2004. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **(David and Karen Dulin) Town of Summit, Section 24**

Mr. Mace presented the “Staff Memorandum” dated May 20, 2004, which is a part of these minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a road width right-of-way waiver.

Mr. Mace explained that the Dulin’s own property on a peninsula on the south end of Upper Nemahbin Lake. There are eleven (11) residential structures within the peninsula accessed by two roads terminating at C.T.H. “DR”: Peninsula Drive and N. North Drive. Ten of the eleven properties have addresses on Peninsula Drive, and the petitioner’s residence is the only property, which has an address on N. North Drive. The petitioner is requesting that N. North Drive’s right-of-way be reduced from the required 66’ to 30’ for the purpose of future additions to his residence or possibly a new residence. The Town of Summit Town Board has approved the request at their meeting on May 6, 2004.

*After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Memorandum”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **(Lakeview 7, LLC-Bill Minett) Town of Oconomowoc, Section 36**

Mr. Mace presented the "Staff Memorandum" dated May 20, 2004, which is a part of these minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval for retaining walls within 5 ft. of an adjacent property line.

Mr. Mace indicated the property is located on Okauchee Lake in the Town of Oconomowoc. The property contains steep slopes and drops approximately 20' from the road to the lake. Ms. Finet, Senior Land Use Specialist said the original proposal was for the retaining wall to be located directly on the lot line. Mr. Krause, property owner to the north, is requesting that the retaining wall be moved 1' off (not directly on) of the lot line between the two properties. Chairperson Willert asked if it could be accomplished? Mr. Mace replied, "Yes". Ms. Finet added the wall would most likely have to be higher and the grade would have to be lowered. Mrs. Gennrich asked if the petitioner received Board of Adjustment approvals? Ms. Finet answered, "Yes". Mrs. Gennrich added the petitioner needs the retaining walls because the lot isn't large enough to build on otherwise. Mr. Mace said the Commission could decide the distance the walls would be from the lot line. There was discussion of whether the petitioner had received a Variance from the Board of Adjustment for a retaining wall being located 35' from the lake. Mr. Mace said the petitioner had received approval and suggested a sentence be added to the "Staff Memorandum" stating a Variance has been approved by the Board of Adjustment. The Commission agreed. Mrs. Gennrich stated if the wall are moved 1' off the lot line as the neighbor requested, she would approve of the request. The Commission agreed. She asked if the retaining walls would adversely affect the drainage? Ms. Finet answered, "No", however they would have to be redesigned in order to conform with what the neighbor requested.

*After discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Memorandum" with a change to Condition No. 2 which will now state:*

- 2. The northernmost retaining wall must be at least 1 ft. from the north lot line, as requested by the owner of the adjacent lot. Prior to the issuance of a Zoning Permit, a revised Grading Plan with the closest retaining wall located at least 1 ft. from the north lot line must be submitted to the Planning and Zoning Division Staff for review and approval.*

*The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

*There being no further business to come before the Commission, Mrs. Kipp moved, seconded by Mrs. Gennrich to adjourn at 3:35 p.m.*

Respectfully submitted,

Mareth Kipp  
Secretary

MK:kb